

NINTH REGULAR SESSION

Johnstown, NY

September 10, 2012

Roll Call – Quorum Present

Supervisors: Argotsinger, Born, Bradt, DiGiacomo, Fagan, Gendron, Handy, Howard, Johnson, Kemper, Kinowski, Lauria, MacVean, Ottalagano, Ottuso, Ponticello, Potter, Waldron

TOTAL: Present: 18 Absent: 2 (Supervisors Callery and Capek)

Chairman Gendron called the meeting to order at 1:00 p.m. with Supervisors Callery and Capek absent upon roll call. Jon R. Stead, Administrative Officer, advised that tomorrow, September 11, 2012, will mark the 11th anniversary of the terrorist attacks on the United States of America. Mr. Stead called for a Moment of Silence in honor of all the men and women who lost their lives in these attacks and a recording of “Where Were You When the World Stopped Turning” by Alan Jackson was played in remembrance of the event.

Following the Pledge of Allegiance, Chairman Gendron asked if there was anyone present from the public who wished to address the Board. There being no one, Supervisor DiGiacomo read a Proclamation declaring 9-15 September 2012 “National Direct Support Professionals Week” in Fulton County and presented it to representatives of Lexington Center.

Chairman Gendron called for review of Communications and Reports.

REPORTS

A. Fulton County Department of Social Services 2011 Annual Report

UPDATES FROM STANDING COMMITTEES

Finance: Chairman Fagan stated that all Committees have held their 2013 budget review meetings and the Finance Committee will begin its duties of reviewing the Budget next month. He also advised that the Finance Committee is working on finding a new IT Director.

REPORTS OF SPECIAL COMMITTEES

Resource Conservation & Development District: Supervisor Lauria advised that meetings are still being held but not much money is coming in. No Supervisors are attending.

Soil and Water Conservation District: Supervisor Ottalagano advised that Soil and Water Conservation District has been very busy this summer due to the nice weather and a lot of pond work is going on. He also advised that the District has been working with FMCC with a pond on its property and soil issues regarding a garden the College wishes to develop. He also advised that Soil and Water has allocated \$1,000.00 towards Family Farm Day at Roger’s Orchards to be held on September 30, 2012 from 12:00-4:00 p.m.

CHAIRMAN'S REPORT

Chairman Gendron advised that August was a very busy month because of budget review meetings. He also noted that on Friday, September 7, 2012, he visited the CG Roxanne site. He stated that if anyone was interested in touring the site, to let him know and he would make arrangements for another tour. Chairman Gendron stated that Fulton County is a member of the Mohawk Valley Regional Economic Development Council and its Action Plan has been finalized. This will be sent to Albany for consideration of the projects identified in the Action Plan. He also stated that he had been trying since February to set-up a meeting with Fulton County's two Congressmen from the 21st and 23rd Congressional Districts to discuss issues and concerns that affect Fulton County. He stated he was finally successful in arranging a meeting and it was very productive. The topics discussed were federal assistance for jobs in Fulton County because people need to get back to work. He also made it clear that the Tryon project is very important for the County. The HR-BRED and Thruway Connector project were also discussed. He advised that Fulton County was very fortunate to have received funding for the Thruway Connector project and this needs to be looked at very closely for the long term benefit of Fulton County. He also noted that Medicaid mandate and the economic development of the County were discussed.

RESOLUTIONS

Resolution No. 324 (Resolution Setting Salary of the District Attorney): Supervisor Howard advised that New York State is paying for this increase. Supervisor Fagan stated that this increase is a mandate by the State. The County has no choice in this.

Chairman Gendron opened the Public Hearing to receive comments on Proposed Local Law "D" of 2012 adjusting salaries of Elected and Appointed positions in the County of Fulton for 2010-2014 at 1:30 p.m. There being no one present who asked to address the issue, the Chairman said that he would leave the Public Hearing open for a period of time.

A motion was offered by Supervisor Fagan, seconded by Supervisor DiGiacomo and unanimously carried, to waive the Rules of Order to take action on Late Resolution 334.

Chairman Gendron asked if there were any members of the public who wished to make comments for the Public Hearing regarding Proposed Local Law "D" of 2012 adjusting salaries of Elected and Appointed positions in the County of Fulton for 2010-2014. Being no one was present to speak, Chairman Gendron closed the Public Hearing at 1:35 p.m.

Resolution No. 318 (Resolution Adopting Local Law “D” of 2012 Adjusting Salaries of Elected and Appointed Positions in the County of Fulton (2010-2014): Supervisor Kemper asked why this is being done now rather than waiting to see what the budget looks like for 2013. Mr. Stead stated that the Nurses Unit contract was recently approved and the non-union employees were approved last month at the same increase amounts. It seemed like a good idea to get the three year wage freeze in place. He stated that negotiations will begin with the Sheriff’s Alliance and Sheriff’s PBA in the next couple of months. He stated that the Personnel and Finance Committees seemed to feel that it would be better to have and know exactly what to budget.

Supervisor Howard advised that this mirrors the agreement with the Nurses Unit for consistency.

Supervisor Fagan stated that this step occurred today because it required a public hearing and a local law to increase salaries for department heads and elected officials. He also stated that this gives a “finite figure to plug into the 2013 and 2014 budgets”.

Supervisor Handy asked why the CSEA General Unit is “not coming to the table”. Supervisor Fagan stated that the County would like nothing more than to have a contract in place with the CSEA General Unit. Mr. Stead advised that a PERB Fact Finding hearing has been scheduled within the next couple of weeks.

Supervisor Ponticello asked if Supervisors’ salaries fall under this local law. Mr. Stead stated they did not. That process has to be carried out in conjunction with the budget deliberations for the following year and the public hearing process. Supervisor Ponticello stated that as leaders of this county, the Supervisors need to set an example.

Supervisor Ottuso asked if this pertains to town officials. Mr. Stead stated, “no, only County officials”.

Supervisor Kemper asked if all elected and appointed department heads are on here. Mr. Stead stated he believed all department heads and elected officials were included in this resolution. She stated that the Coroners were not listed. Mr. Stead stated that they are part-time and receive per case payments, not salaries.

PROCLAMATIONS

DECLARING SEPTEMBER 9-15, 2012 “DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK” IN FULTON COUNTY

WHEREAS, direct support workers, direct care workers, personal assistants, personal attendants, (“direct support professionals”) are the primary providers of long-term support and services for hundreds of individuals in Fulton County; and

WHEREAS, a direct support professional must build a close, trusted relationship with an individual with disabilities; and

WHEREAS, direct support professionals provide a broad range of support, including preparation of meals, helping with medications, bathing, dressing, mobility, getting to school, work, religious and recreational activities, and general daily affairs; and

WHEREAS, a direct support professional provides essential support to help keep an individual with disabilities connected to family and community; and

WHEREAS, direct support professionals assist individuals with disabilities in living meaningful, productive lives; and

WHEREAS, the work of direct support professionals allow an individual with disabilities to live successfully in the community, and to avoid costly institutional care; now, therefore be it

RESOLVED, That the Board of Supervisors hereby proclaims September 9-15, 2012 as “DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK” IN FULTON COUNTY.

Upon a motion by Supervisor Howard, seconded by Supervisor Born and unanimously carried, the meeting adjourned at 1:42 p.m.

Certified by:

*Jon R. Stead, Administrative Officer/ DATE
Clerk of the Board*

Resolution No. 301

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING EXECUTION OF 2012 TRANSPORTATION,
COMMUNITY AND SYSTEM PRESERVATION GRANT FROM THE FEDERAL
HIGHWAY ADMINISTRATION FOR THE PROPOSED FONDA CONNECTOR
FEASIBILITY AND PRELIMINARY DESIGN REPORT**

WHEREAS, Resolution 461 of 2011 authorized Application to the Federal Highway Administration (FHA) for a \$400,000.00 Transportation, Community and System Preservation (TCSP) grant to conduct a feasibility and preliminary design study for development of the Fonda Connector Project; and

WHEREAS, on August 9, 2012, the FHA announced 83 grant awards nationwide totaling \$52 million; including the Fonda Connector Feasibility and Preliminary Design Project; and

WHEREAS, said grant award required payment of a 20 percent local match to be shared equally by Fulton County and Montgomery County; now, therefore be it

RESOLVED, That upon the recommendations of the Committees on Building and Grounds/Highway and Finance, said grant be, and hereby is accepted as follows:

| | |
|-------------------------|------------------|
| Total Project Cost | \$ 500,000.00 |
| Federal TCSP Grant | 400,000.00 (80%) |
| Fulton County Share | 50,000.00 (10%) |
| Montgomery County Share | 50,000.00 (10%) |

and, be it further

RESOLVED, That the Chairman of the Board is hereby authorized to execute the appropriate grant agreement with the FHA for 2012 Transportation, Community and System Preservation Grant for the proposed Fonda Connector Feasibility and Preliminary Design Project; and, be it further

RESOLVED, That the Planning Director and Superintendent of Highways and Facilities do each and every other thing necessary to further the purport of this Resolution; and, be it further

Resolution No. 301 (continued)

RESOLVED, That this Resolution is contingent upon passage of a similar Resolution by the Montgomery County Board of Supervisors; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Superintendent of Highways and Facilities, Montgomery County Board of Supervisors, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 302

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING RENEWAL AGREEMENT WITH THE UNIFIED
COURT SYSTEM FOR CLEANING AND APPROVING CERTAIN
CHAPTER 686 PROJECTS FOR COURT AREAS IN THE
COUNTY OFFICE BUILDING (2012/13)

WHEREAS, Resolution 392 of 2008 authorized a contract between Fulton County and the NYS Unified Court System for cleaning and minor repairs in court areas located in the County Office Building, effective April 1, 2008 through March 31, 2013; and

WHEREAS, said Resolution passage was contingent upon final approval of proposed Chapter 686 projects by the Board of Supervisors on an annual basis; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committee on Buildings and Grounds/Highway, the Chairman of the Board be and hereby is authorized to sign a renewal agreement between the County of Fulton and the NYS Unified Court System for cleaning and minor repairs, at a proposed budget for service of \$95,270.00, effective April 1, 2012 through March 31, 2013; and, be it further

RESOLVED, That the following Unified Court System Chapter 686 projects be and hereby are approved for completion by the Superintendent of Highways and Facilities, contingent upon receipt of written commitment from the Office of Court Administration that 100% reimbursement for such projects will be made to the County within 45 days of submission of an invoice to OCA by the Superintendent of Highways and Facilities:

| <u>Code</u> | <u>Work Description</u> | <u>Est. Cost</u> |
|-------------|---|--------------------|
| 51b | General wall repair and paint project | \$10,000.00 |
| 53e | Upgrade lights in Co. Court Storage Room | 300.00 |
| 55g | Build and install radiator covers in Surrogate Ct. | 2,000.00 |
| 57g | Purchase/install blinds in Drug Court Coord. Office | 500.00 |
| | | <u>\$12,800.00</u> |

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Planning Director, NYS Office of Court Administration, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 303

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BID FOR THE PURCHASE OF UNLEADED GASOLINE FOR THE CENTRAL FUEL DEPOT AND SOLID WASTE DEPARTMENT

WHEREAS, Resolution 234 of 2012 authorized advertisement for bids for unleaded gasoline for the Central Fuel Depots at the County Complex and Solid Waste Department and three (3) bids were received; now, therefore be it

RESOLVED, That the net bid, as submitted by Superior Plus Energy Services, of Marcy, NY, for the purchase and delivery of unleaded gasoline to the Central Fuel Depots at the County Complex and at the Solid Waste Department be and hereby is awarded for the period October 1, 2012 through September 30, 2013, as reviewed and recommended by the Superintendent of Highways and Facilities, Solid Waste Director, Committees on Buildings and Grounds/Highway and Finance and Purchasing Agent; they being the lowest responsible bidder in accordance with Specification No. 2012-82-01:

| | | |
|-----------------------|------------------|----------------|
| County Complex | \$2.9219 | Rack price |
| (108,000 gallons) | <u>.0299</u> | Margin |
| | \$2.9518 | Per gallon |
| Solid Waste Dept. | \$2.9219 | Rack price |
| (3,500 gallons) | <u>.1700</u> | Margin |
| | \$3.0919 | Per gallon |

(with the stipulation that any increase or decrease in prices will be passed on at the time of delivery, based on current rack prices); and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 304

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION TO CONTRACT WITH BREZZY
CLEANING SERVICE FOR CUSTODIAL SERVICES IN THE
DSS COOPER BUILDING (2013)

WHEREAS, Resolution 352 of 2011 awarded a contract to Brezzy Cleaning Service for custodial services in 2012 at a cost of \$29,988.00, with the County option to extend said contract in 2013 and 2014 at no additional cost; and

WHEREAS, the Superintendent of Highways and Facilities requests said contract be extended for 2013; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committee on Buildings and Grounds/Highway, the Chairman of the Board be and hereby is authorized to sign an amendment to the contract with Brezzy Cleaning Services, of Gloversville, NY, for custodial services in the DSS Cooper Building, effective January 1, 2013 through December 31, 2013, at a cost not to exceed \$29,988.00; all other terms and conditions in said contract shall remain in full force and effect; and, be it further

RESOLVED, That said contract amendment is contingent upon approval by the County Attorney; and, be it further

RESOLVED, That the cost for said services be a charge against A-245-1629.414 DSS Bldg-Contracts; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Social Services Commissioner, Brezzy Cleaning Service, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 305

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR
CUSTODIAL SERVICES IN COURT AREAS OF THE COUNTY OFFICE BUILDING**

WHEREAS, the current bid for custodial services in the Court areas of the County Office Building expires on December 31, 2012; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for custodial services for the Court areas of the Fulton County Office Building, 223 West Main Street, Johnstown, NY, (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 205, County Office Building, Johnstown, NY, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Room 205, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 17, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 306

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR HEATING OIL AND 50/50 BLEND FOR COUNTY BUILDINGS

WHEREAS, the current bid for No. 2 heating oil and 50/50 blend expires on December 31, 2012; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is directed to advertise for sealed bids from responsible petroleum dealers for Heating Oil No. 2 and Special Blend of No. 2 for the year 2013 (and according to further specifications which may be obtained at the Office of the Purchasing Agent); said price to identify origin and posted tank wagon price in effect on the date of bid (to be further identified at each instance of delivery), plus vendor margin. Successful bidder must make provisions for emergency delivery on a local basis (within a 20-mile radius of the City of Johnstown), in the event that one of the identified facilities runs out of fuel; and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 205, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, September 26, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Fire Coordinator, Social Services Commissioner, Sheriff, Correctional Facility, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 458 (17) Nays: 0 Abstentions: 53 (1) (Supervisor DiGiacomo) Absent: 40 (2) (Supervisors Callery and Capek)

Resolution No. 307

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR WASTE
REMOVAL SERVICES FOR COUNTY BUILDINGS**

WHEREAS, the current bid for waste removal services expires on December 31, 2012; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for bids from waste disposal vendors for the pickup of general office type waste materials at the Fulton County Correctional Facility (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Supervisors' Chambers, Room 205, County Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 205, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, September 26, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Sheriff, Correctional Facility, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 308

Supervisors ARGOTSINGER, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ABOLISHING TWO CUSTODIAL WORKER POSITIONS IN THE HIGHWAYS AND FACILITIES DEPARTMENT

WHEREAS, the Superintendent of Highways and Facilities has recommended abolishing two (2) vacant custodial worker positions for reasons of economy and efficiency; and

WHEREAS, the Committees on Building and Grounds/Highway, Personnel and Finance have reviewed said recommendation and concur; now, therefore be it

RESOLVED, That effective immediately, two (2) full-time Custodial Worker positions (Union Job Group A-5; \$13.42 per hour) be and hereby are abolished; and, be it further

RESOLVED, That the Superintendent of Highway and Facilities and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 309

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING WORKFORCE DEVELOPMENT
LOCAL PLAN FOR FULTON, MONTGOMERY
AND SCHOHARIE COUNTIES (2012/13)**

WHEREAS, in accordance with the Workforce Investment Act (WIA) of 1998, Fulton, Montgomery and Schoharie Counties entered into an agreement prescribed by WIA to govern the management structure for the Fulton-Montgomery-Schoharie Workforce Development Board since 2000; and

WHEREAS, in accordance with WIA law, the Fulton-Montgomery-Schoharie Workforce Development Board is required to develop and adopt a one-year Local Plan for WIA title 1-B and Wagner-Peyser Programs; and

WHEREAS, the Local Plan needs approval from the Boards of Supervisors in Fulton, Montgomery and Schoharie Counties; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign the Workforce Development Board Local Plan agreement between the County of Fulton, and Counties of Montgomery and Schoharie to implement requirements of the Workforce Investment Act, effective July 1, 2012 through June 30, 2013; said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED That certified copies of this Resolution be forwarded to the County Treasurer, Workforce Development Board, Montgomery County Board of Supervisors, Schoharie County Board of Supervisors, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 310

Supervisors BRADT AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING INTER-MUNICIPAL AGREEMENT BETWEEN THE DEPARTMENT OF SOLID WASTE AND CITY OF GLOVERSVILLE TO TRADE A RECYCLING TRUCK FOR A GRADER

WHEREAS, the City of Gloversville has expressed an interest in 2003 International Recycling Truck (VIN: 1HTMLAFL23H561311) and has offered a 1969 Road Grader in exchange; and

WHEREAS, the Solid Waste Director has identified functions at the County Solid Waste Facility that could be enhanced through use of a Road Grader; and

WHEREAS, both pieces of equipment have been inspected by each department head; now, therefore be it

RESOLVED, That upon the recommendation of the Solid Waste Director and Committees on Economic Development and Environment and Finance, and in accordance with Article 5G of NYS General Municipal Law, the Chairman of the Board be and hereby is authorized to sign an inter-municipal agreement to allow the trade of a used 2003 International Recycling Truck (VIN: 1HTMLAFL23H561311) to the City of Gloversville in exchange for a 1969 Road Grader at no cost to either municipality; and, be it further

RESOLVED, That the aforementioned Recycling Truck is surplus and obsolete for County purposes; and, be it further

RESOLVED, That the Solid Waste Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That this Resolution is contingent upon passage of a similar Resolution by the Gloversville City Council; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, City of Gloversville Department of Public Works, Gloversville City Clerk, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 311

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE FULTON COUNTY DEMOLITION TEAM TO ASSIST IN A DEMOLITION PROJECT FOR THE BERKSHIRE VOLUNTEER FIRE DEPARTMENT

WHEREAS, Resolution No. 234 of 2000 supported the concept of a "Municipal Demolition Team" in Fulton County, comprised of County manpower and equipment and manpower and equipment from municipal forces, when feasible; and

WHEREAS, Resolution No. 49 of 2001 formally established a Municipal Demolition Team, with basic operating guidelines identified in the "Municipal Demolition Team Proposal", dated February 12, 2001; and

WHEREAS, the Berkshire Volunteer Fire Department has requested assistance from the County's Municipal Demolition Team to demolish a two-story wood frame building at 320 Steele Avenue Extension, Gloversville (formally known as the Fireside Restaurant); now, therefore be it

RESOLVED, That the Solid Waste Director is hereby authorized to mobilize the County Demolition Team to raze a structure owned by the Berkshire Volunteer Fire Department at 320 Steele Avenue Extension, Gloversville; and, be it further

RESOLVED, That all environmental concerns, approvals and/or permits required shall be the responsibility of the Berkshire Volunteer Fire Department; and, be it further

RESOLVED, That said project shall be completed in the most efficient and cost-effective manner possible, in accordance with the Municipal Demolition Team Proposal approved by the Board of Supervisors on February 12, 2001; and, be it further

RESOLVED, That the Solid Waste Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Berkshire Volunteer Fire Department, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor MACVEAN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 312

Supervisors BRADT AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION APPROVING THE 2012 SDPP AND YDDP RESOURCE ALLOCATION PLAN (YOUTH BUREAU)

WHEREAS, in accordance with State rules, the Youth Bureau Director must file an approved Resource Allocation Plan with the NYS Office of Children and Family Services on an annual basis; and

WHEREAS, State aid reductions have resulted in less revenue for the Youth Bureau than was originally projected in the 2012 Adopted County Budget; now, therefore be it

RESOLVED, That the Annual Resource Allocation Plan for State Aid from the NYS Office of Children and Family Services for the 2012 Special Delinquency Prevention Program (SDPP) and the 2012 Youth Development/Delinquency Prevention Program (YDDP) be and hereby is approved for various programs, at total costs not to exceed \$53,621.00 (County cost not to exceed a net amount of \$11,472.00); and, be it further

RESOLVED, That the Chairman of the Board be authorized to sign the necessary State Aid applications and Resource Allocation Agreement; and, be it further

RESOLVED, That the Youth Bureau Director and County Treasurer do each and every other thing necessary to obtain the appropriate State aid reimbursement from said programs; and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended as follows:

Revenue:

| | |
|--|-------------|
| Decrease A-083-3820.000 Youth Service Projects | \$14,375.00 |
|--|-------------|

Appropriations:

| | |
|--|-----------------|
| Decrease A-645-7310.414 Youth Prog - Programs (50%) | \$ 5,599.00 |
| Decrease A-645-7310.417 Youth Prog - Programs (100%) | 5,780.00 |
| Decrease A-645-7310.421 Youth Prog – Conf. Sch. & Seminars | 996.00 |
| Decrease A-645-7311.100 Summer Rec. Prog-P/R | <u>2,000.00</u> |
| | \$14,375.00 |

and, be it further

Resolution No. 312 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Youth Bureau Director, NYS Office of Children and Family Services, Budget Director/ County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 313

Supervisors BRADT AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACTS BETWEEN THE YOUTH BUREAU AND
INDEPENDENT CONTRACTORS FOR VARIOUS 2012
YOUTH PROGRAMS (SDPP/YDDP)**

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign contracts with independent contractors for the following programs in 2012:

| <u>Vendor</u> | <u>Program</u> | <u>Amount</u> |
|-------------------------------|-----------------------|---------------|
| <i>SDPP (100% funded)</i> | | |
| Citizens in Community Service | Community Restitution | \$5,000.00 |
| | Youth | 5,492.00 |
| Family Counseling Center | Counseling Services | 5,500.00 |

and, be it further

RESOLVED, That said contracts are subject to the approval of the County Attorney; and, be it further

RESOLVED, That said contracts shall provide, among other matters, that the right and privilege shall be reserved to the Fulton County Board of Supervisors to cancel and rescind all or any part of such contracts should any program or project offered or sponsored by said contractors not meet with the approval of the Board of Supervisors; and, be it further

RESOLVED, That the proper Fulton County official shall apply for and collect the appropriate State Aid from the appropriate New York State agency; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Youth Bureau Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 314

Supervisors DIGIACOMO, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ABOLISHING AN ACCOUNT CLERK POSITION IN
THE PUBLIC HEALTH DEPARTMENT

WHEREAS, the Public Health Director has recommended restructuring the department by abolishing a vacant Account Clerk position for reasons of economy and efficiency; and

WHEREAS, the Committees on Health Services, Personnel and Finance have reviewed said recommendation and concur with the proposed change; now, therefore be it

RESOLVED, That effective immediately, an Account Clerk position (Union Job Group A-3; \$14.02 per hour) be and hereby is abolished; and, be it further

RESOLVED, That the Public Health Director and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 315

Supervisors DIGIACOMO, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH FRONTIER COMMUNICATIONS FOR AUTO-ATTENDANT AND VOICEMAIL SERVICE (PUBLIC HEALTH DEPARTMENT)

WHEREAS, the Public Health Department has abolished an Account Clerk position who functioned as a receptionist/operator for the department; and

WHEREAS, an auto-attendant service with voicemail will redirect business calls to appropriate personnel; now, therefore be it

RESOLVED, That upon the recommendations of the Public Health Director, and Committees on Human Services, Personnel and Finance, the Public Health Director is authorized to sign a contract with Frontier Communications for auto-attendant and voicemail services, for the remainder of 2012, at a cost not to exceed \$700.00; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-405-4010.418 Legal Services
To: A-405-4010.408 Telephone
Sum: \$700.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Frontier, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 316

Supervisors DIGIACOMO AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING SUBMISSION OF STATEMENT OF INTEREST TO THE
NYS DEPARTMENT OF HEALTH TO PERFORM CERTAIN MEDICAID
ADMINISTRATIVE FUNCTIONS FOR INDIVIDUALS INCARCERATED
IN A STATE OR LOCAL CORRECTIONAL FACILITY**

WHEREAS, Section 6 of Part F of Chapter 56 of the laws of 2012 authorized the NYS Department of Health (NYSDOH) to assume the responsibility for the administration of the Medicaid program from local Social Services districts by March 31, 2018; and

WHEREAS, Statements of Interest were solicited by the New York State Department of Health from all Counties to determine if there was interest in contracting with NYSDOH to perform certain Medicaid administrative functions; and

WHEREAS, Fulton County Commissioner of Social Services recently submitted a Statement of Interest to the Department of Health (DOH) regarding its interest in providing administration services for the Medicaid Adjusted Gross Income (MAGI) population as well as certain specialty populations; and

WHEREAS, the NYSDOH is now soliciting interest from counties in contracting with the State to process Medicaid eligibility determinations for individuals incarcerated in New York State or local correctional facilities; and

WHEREAS, if agreed upon by both the State and an interested County, the State will reimburse participating counties above the Medicaid Administrative Cap for said work; and

WHEREAS, said Statement of Interest is due to NYSDOH no later than September 21, 2012; and

WHEREAS, the Statement of Interest will be used for planning purposes only and is not binding on the County; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Human Services and Finance, the Commissioner of Social Services is authorized to submit a Statement of Interest to the New York State Department of Health regarding the County's interest in providing service to process Medicaid eligibility determinations for individuals incarcerated in New York State or local correctional facilities;

and, be it further

Resolution No. 316 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, New York State Department of Health, Commissioner of Social Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 479 (16) Nays: 32 (2) (Supervisors Howard and Kemper) Absent: 40 (2)
(Supervisors Callery and Capek)

Resolution No. 317

Supervisors DIGIACOMO, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION ABOLISHING AGING SERVICES SPECIALIST POSITION AND
CREATING PART-TIME AGING SERVICES SPECIALIST POSITION IN THE
OFFICE FOR AGING**

WHEREAS, the Office for Aging Director has evaluated the service needs of the community and recommends changing an Aging Services Specialist position from full-time to part-time; and

WHEREAS, in the interest of economy and efficiency, the Director recommended reduction of the the position from full-time to part-time, effective immediately, and the Committees on Human Services, Personnel and Finance concurred; now, therefore be it

RESOLVED, That effective immediately, the Aging Services Specialist position (Union Job Group A-6; 2009 start rate: \$12.81 per hour) be and hereby is reclassified to part-time, 17 hours per week, with no benefits; and, be it further

RESOLVED, That the Office for Aging Director and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Office for Aging Director, Personnel Director, CSEA Local 818, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 318

Supervisors HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING LOCAL LAW No. 4 OF 2012 ADJUSTING SALARIES OF ELECTED AND APPOINTED POSITIONS IN THE COUNTY OF FULTON (2010-2014)

WHEREAS, a proposed Local Law "D" of 2012 entitled, "LOCAL LAW ADJUSTING SALARIES OF ELECTED AND APPOINTED POSITIONS IN THE COUNTY OF FULTON FOR 2010-2014" has laid upon the desks of the Board of Supervisors for the required period; and

WHEREAS, said proposed Local Law "D" authorizes an increase to the salaries of positions identified therein by 0 percent for 2010, 2011 and 2012, 1.5 percent for 2013 and 2 percent for 2014, effective January 1, 2010; and

WHEREAS, a public hearing was held on September 10, 2012, after due posting thereof and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That Local Law No. 4, hereinabove referenced be and hereby is approved; and, be it further

RESOLVED, That the Clerk of the Board is directed to number said local law for appropriate recording and filing purposes; and, be it further

RESOLVED, That in accordance with NYS Law, said local law is subject to permissive referendum; and, be it further

RESOLVED, That the Chairman of the Board of Supervisors and County Attorney be authorized and empowered to do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, All Department Heads, NYS Secretary of State, General Code Publishers, Budget Director/County Auditor, Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 484 (17) Nays: 27 (1) (Supervisor Kemper) Absent: 40 (2) (Supervisors Callery and Capek)

Resolution No. 319

Supervisors WALDRON, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION CREATING 5TH ASSISTANT PUBLIC DEFENDER POSITION IN THE PUBLIC DEFENDER'S OFFICE

WHEREAS, the Public Defender has received notification from the NYS Office of Indigent Legal Services that Fulton County has been awarded a grant to improve the quality of legal services provided to indigent individuals in Fulton County; and

WHEREAS, the grant will be a three-year distribution from the Indigent Legal Services Fund in an annual amount of \$36,708.00, totaling \$110,124.00 for the period 2012 through 2014; and

WHEREAS, said grant funds cannot be used to supplant existing local funding; and

WHEREAS, the Public Defender recommended that said grant proceeds be used for salary and benefits for a 5th Assistant Public Defender at a salary of \$25,000.00 per year and approximate benefit costs of \$11,250.00 per year; now, therefore be it

RESOLVED, That upon the recommendation of the Public Defender and the Committees on Public Safety, Personnel and Finance, effective immediately, one (1) 5th Assistant Public Defender (non-union, part-time, 20 hours per week) position be and hereby is created, at a permanent 2012 salary rate of \$25,000.00 per year; and, be it further

RESOLVED, That this Resolution and continuation of said position is contingent upon funding being received from the NYS Office of Indigent Legal Services providing the entire 100 percent cost for said position; and, be it further

RESOLVED, That said agreement shall be subject to further review by the appropriate committee of this Board of Supervisors in the event of any changes/reductions to State revenues, in order to make necessary budget amendments and/or contract amendments; and, be it further

RESOLVED, That the Public Defender and the Personnel Director do each and everything necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Defender, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 320

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE SHERIFF AND CARFAX FOR THE "POLICE CRASH ASSISTANCE PROGRAM"

WHEREAS, the Sheriff has requested an agreement between the Sheriff and Carfax to participate in the "Carfax Investigative Data Sharing Program" that will allow Sheriff's Department personnel to search motor vehicle accident reports in other jurisdictions in exchange for sharing County motor vehicle accident reports with Carfax; and

WHEREAS, this would broaden the Sheriff's Department's investigative capabilities with searches of the Carfax database for crime related activities; and

WHEREAS, the Sheriff's Department will receive revenue from Carfax of \$14.50 for each accident report accessed by the public and Carfax charges users an administrative fee of \$5.50; and

WHEREAS, Carfax will provide payment for each record sold within thirty (30) days of the end of each month; now, therefore be it

RESOLVED, that upon the recommendation of the Committees on Public Safety and Finance, the Sheriff be and hereby is authorized to execute an enrollment form for the Carfax Investigative Data Sharing Program, said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 321

Supervisors WALDRON, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION RECLASSIFYING SENIOR LEGAL STENOGRAPHER POSITION TO SENIOR ACCOUNT CLERK/LEGAL TYPIST IN THE PROBATION DEPARTMENT

WHEREAS, the Senior Legal Stenographer in the Probation Department is retiring; and

WHEREAS, at the request of the Probation Director, the Personnel Director reviewed the job duties and responsibilities of the position and has determined that it should be reclassified to Senior Account Clerk/Legal Typist to more accurately reflect the duties of said position; now, therefore be it

RESOLVED, That upon the recommendation of the Probation Director, Personnel Director and Committees on Public Safety, Personnel and Finance, one (1) full-time Senior Legal Stenographer position (Union-Job Group A-9; 2010 one-year rate of \$16.21 per hour) be and hereby is reclassified to Senior Account Clerk/Legal Typist (Union-Job Group A-9; 2010 one-year rate of \$16.21 per hour) in the Probation Department effective January 1, 2013; and, be it further

RESOLVED, That the Personnel Director and Probation Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Probation Director, Payroll Division, CSEA Local 818, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 322

Supervisors WALDRON, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION CREATING A TEMPORARY SENIOR ACCOUNT CLERK/LEGAL TYPIST
POSITION FOR TRAINING PURPOSES IN THE PROBATION DEPARTMENT**

WHEREAS, the Senior Legal Stenographer in the Probation Department will be retiring from her position effective December 29, 2012; and

WHEREAS, the Probation Director and the Committees on Public Safety, Personnel and Finance recommend creating a temporary Senior Account Clerk/Legal Typist position to accommodate a training period prior to the retirement of the Senior Legal Stenographer; and

WHEREAS, this step will ensure an orderly transition of duties; now, therefore be it

RESOLVED, That a temporary, full-time Senior Account Clerk/Legal Typist position be and hereby is created effective December 1, 2012 through December 31, 2012, at a rate of \$16.21 per hour (Union-Job Group A-9; 2010 one year rate); and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Probation Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 323

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF DIGITAL CAMERAS AND ACCESSORIES FOR USE BY LOCAL LAW ENFORCEMENT AGENCIES (100% CRIME VICTIM GRANT FUNDS)

WHEREAS, from time to time, state and local law enforcement agencies conduct joint operations to apprehend criminals and/or prevent crime; and

WHEREAS, local law enforcement officers report that there are a lack of digital cameras readily accessible for the documentation of injuries to crime victims at crime scenes and later to be used in the prosecution of violent offenders; and

WHEREAS, the District Attorney has requested authority to purchase ten (10) digital cameras and camera-related equipment from the Crime Victim Grant funds for the Fulton County Sheriff's Department, Gloversville Police Department, Johnstown Police Department and the NYS Police utilizing Crime Victim Grant funds; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the District Attorney be and hereby is authorized to purchase the following equipment for immediate transfer to the Fulton County Sheriff's Department, Gloversville Police Department, Johnstown Police Department and NYS Police utilizing Crime Victim Grant funds, as follows:

| | |
|--|---------------|
| (10) Nikon CoolPix 1810 16.1 Digital Cameras | \$1,970.00 |
| (10) 16 GB SDHC Flash Memory Cards | 110.00 |
| (10) Camera Bags | 132.50 |
| (10) Energizer Recharge Smart Chargers | 180.00 |
| Shipping | <u>107.50</u> |
| | \$2,500.00 |

and, be it further

RESOLVED, that the Sheriff's Department will receive two (2) cameras sets, the Gloversville Police Department will receive four (4) camera sets, the Johnstown Police Department will receive two (2) camera sets, and the New York State Police will receive two (2) camera sets; and, be it further

Resolution No. 323 (continued)

RESOLVED, That the County Treasurer be and hereby is authorized to make the following transfer:

From: A-045-1165.465 DA-Crime Victim Grant
To: A-045-1165.202 DA-Equipment (Victim Advocate)
Sum: \$500.00

and, be it further

RESOLVED, That the cameras and related equipment will become the property of the Police agencies identified to be maintained under their prospective policies and procedures; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, Sheriff's Department, Gloversville Police Department, Johnstown Police Department, New York State Police, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor POTTER and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 324

Supervisors WALDRON, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION SETTING SALARY OF THE DISTRICT ATTORNEY

WHEREAS, in accordance with Judiciary Law 183-a, the full-time District Attorney of any County, shall receive an annual salary equivalent to that of County Judge in the County in which the District Attorney is elected or appointed; and

WHEREAS, via legislation enacted pursuant to the 2012-2013 New York State Adopted Budget, State Legislators mandated increases to County Judge salaries, among others, equaling 27 percent, implemented over a three-year period; and

WHEREAS, to comply with said State mandate, the salary of the District Attorney must be commensurate with the County Judge salary in Fulton County; and

WHEREAS, the 2012-13 State Budget includes full reimbursement for the 2012 mandated District Attorney salary increase and reimbursement for scheduled increases in 2013 and 2014 amounting to 41 percent reimbursement; now, therefore be it

RESOLVED, That the 2013 salary of the District Attorney be, and hereby is, set at \$146,400.00, effective April 1, 2013; and, be it further

RESOLVED, That the 2014 salary of the District Attorney be, and hereby is, set at \$152,500.00, effective April 1, 2014; and, be it further

RESOLVED, That this Resolution and continuation of said salary increases is contingent upon funding being received from New York State providing the reimbursement for scheduled increases in 2013 and 2014; and, be it further

RESOLVED, That provisions within Resolution 191 of 2012 that reverted the District Attorney salary to \$119,800.00 on April 1, 2013 hereby are rescinded; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 325

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION ADDING VOTING MACHINE CUSTODIAN POSITIONS TO THE NON-
UNION SALARY STRUCTURE**

WHEREAS, the Commissioners of the Board of Elections have requested a salary rate increase for the Voting Machine Custodians in the Board of Elections department; and

WHEREAS, Voting Machine Custodians have not had an increase in salary since 1997 inasmuch as the work was compensated via contract payments at one time; and

WHEREAS, Voting Machine Custodian is now an employee job title similar to other part-time titles within the Non-Union Salary Structure; and

WHEREAS, after review by the Committee on Finance it recommends that the Voting Machine Custodian positions be added to the Non-Union Salary Structure; now, therefore be

RESOLVED, That upon the recommendation of the Committee on Finance, the Machine Custodian positions in the Board of Elections be and hereby are included as part-time employees in the Non-Union Salary Structure, effective immediately; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Attorney, Personnel Director, Board of Elections Commissioners, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 326

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT WITH FRONTIER COMMUNICATIONS FOR METRO ETHERNET COMMUNICATIONS SERVICE

WHEREAS, the Director of Information Services/Printing has advised that new State-installed data communication systems for the Department of Social Services require a reconfiguration of the County's data communications network; and

WHEREAS, the Director of Information Services/Printing has evaluated the data network needs of County departments and provided an outline of those needs to the Committee on Finance; and

WHEREAS the Director of Information Services/Printing solicited proposals from two telecommunication firms for a five (5) year contract to provide a Metro Ethernet network for County government operations; and

WHEREAS, the Director of Information Services/Printing recommends a contract with Frontier Communications to provide Metro Ethernet services to maintain data communications for County computer systems; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the Chairman of the Board be and hereby is authorized to sign a contract between the Information Services/Printing Department and Frontier Communications of Johnstown, New York, for Metro Ethernet services at a cost of \$3,807.00 per month, said contract effective September 1, 2012 and continuing for 60 months from commencement of service; and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, That the Information Services/Printing Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That said cost be a charge against A-275-1680.408 Information Services-Telephone; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services/Printing Director, Frontier Communications, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 327

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPORTIONING 2013 WORKERS' COMPENSATION INSURANCE
PROGRAM EXPENSES**

RESOLVED, That the Report of the Committee on Workers' Compensation Insurance (Finance), dated August 30, 2012, be accepted and the recommendations contained therein be carried out for the year 2013; and, be it further

RESOLVED, That the respective amounts apportioned to the various municipalities or public corporations of Fulton County be adopted as the act and determination of the Board and that they be assessed, levied and collected the same as other charges; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Committee on Workers' Compensation Insurance, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

BY: Mr. Gregory Fagan, Chairman of the Finance Committee

THE REPORT OF THE COMMITTEE ON COMPENSATION INSURANCE

Your Committee on Compensation Insurance (Finance and Administration) to whom was referred the report of the County Treasurer on Claims paid pursuant to Article 5 of the Workers' Compensation Law, report that they have examined same and believe same to be correct and recommend that said report be printed in the minutes.

Your Committee further reports that pursuant to said Law, they do hereby certify that the County Treasurer, as Custodian of Compensation Insurance Funds, estimates expenditures in the sum of \$1,541,375.00 (less revenues of \$228,612.00), which they have apportioned to each Town, the Villages of Broadalbin, Mayfield, Northville and Cities of Johnstown and Gloversville, and the County of Fulton 35% of the proportion that its full valuation bears to the aggregate valuation of the participating municipal corporation and 65% of a five-year experience, in accordance with said law, and an additional assessment to those municipalities having volunteer ambulance corps at an amount of \$400 per ambulance:

| | <u>2012 Total Apport.</u> | <u>Full Valuation</u> | <u>(2006-2010) 5-Yr. Exp.</u> | <u>35% Full Valuation</u> | <u>65% 5-Yr. Exp.</u> |
|------------------------------|------------------------------------|-----------------------|-----------------------------------|-------------------------------|---------------------------|
| Bleecker | \$ 7,838.49 | \$101,166,779.00 | \$ 4,144.85 | \$ 6,992.85 | \$ 845.64 |
| Broadalbin | 53,817.26 | 370,380,995.56 | 138,297.88 | 25,601.48 | 28,215.78 |
| Broadalbin (V) | 4,125.18 | 59,679,631.80 | 0.00 | 4,125.18 | 0.00 |
| Caroga | 20,103.65 | 258,436,868.18 | 10,979.05 | 17,863.68 | 2,239.97 |
| Ephratah | 8,386.89 | 75,475,452.38 | 15,536.94 | 5,217.01 | 3,169.88 |
| Johnstown | 58,991.11 | 398,848,597.47 | 154,012.41 | 27,569.22 | 31,421.89 |
| Mayfield | 38,446.23 | 475,846,954.93 | 27,226.18 | 32,891.50 | 5,554.73 |
| Mayfield (V) | 4,448.24 | 40,407,540.85 | 8,112.82 | 2,793.05 | 1,655.19 |
| Northampton | 26,261.15 400.00* | 377,511,424.24 | 817.54 | 26,094.35 | 166.80 |
| Northville (V) | 5,943.86 | 85,606,051.52 | 130.36 | 5,917.26 | 26.60 |
| Oppenheim | 8,399.85 | 98,334,216.13 | 7,855.97 | 6,797.06 | 1,602.79 |
| Perth | 32,316.17 | 211,361,641.38 | 86,786.96 | 14,609.74 | 17,706.43 |
| Stratford | 6,899.92 | 99,623,305.00 | 67.45 | 6,886.16 | 13.76 |
| Gloversville (C) | 192,878.16 | 376,173,151.00 | 817,933.69 | 26,001.85 | 166,876.31 |
| Johnstown (C) | 134,984.29 1,200.00* | 387,588,250.00 | 530,303.14 | 26,790.88 | 108,193.41 |
| Fulton County (Gen. Fund) | 708,922.55 | 3,230,747,635.27 | 2,380,170.83 | 223,315.78 | 108,193.41 |
| Total Approp. | \$1,312,763.00 <u>1,600.00*</u> | \$3,230,747,635.27 | \$2,380,170.83 | \$459,467.05 \ | \$485,606.77 / |
| | \$1,314,363.00 | .000069122013 | .204021813371 | \$1,312,763.00 | |

*Volunteer Ambulance Corps Assessment

Resolution No. 328

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING RENEWAL OF SPECIFIC EXCESS EMPLOYERS
LIABILITY INSURANCE POLICY FOR 2012-2013**

WHEREAS, the County of Fulton holds certain specialized liability and property insurance through private insurance carriers; and

WHEREAS, the County also insures certain risks related to the County-wide cooperative Workers Compensation Self-Insurance Program on behalf of all Plan participants; now, therefore be it

RESOLVED, That the County's Specific Excess Employers Liability Insurance Policy be renewed, effective September 1, 2012 through September 1, 2013 with Jacksland Associates, of Johnstown, NY, at an annual estimated premium of \$15,456.00; and, be it further

RESOLVED, That said cost be a charge against S-085-1722.404 Work Comp-Insurance; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Jacksland Associates, Workers Compensation Program, Budget Director/County Auditor, Administrative Officer/ Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 329

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING FINAL SETTLEMENT IN MATTER OF AWP PHARMACY LITIGATION VERSUS ACTAVIS, HOFFMAN LAROCHE, MYLAN, TAP

WHEREAS, Resolution 533 of 2004 authorized a legal services agreement with Kirby, McInerney & Squire to conduct a joint lawsuit coordinated with the NYS Association of Counties and other counties to recover Medicaid overcharges from pharmaceutical companies; and

WHEREAS, Kirby McInerney (KI) submitted an installment check for the County's net share of the Actavis, Hoffman La Roche, Mylan, and TAP AWP settlements in the amount of \$39,501.07; now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts final settlement in the matter of AWP Pharmacy Litigation versus Actavis, Hoffman La Roche, Mylan and TAP, in a total amount of \$39,501.07; and, be it further

RESOLVED, That in accordance with said legal services agreement, the Treasurer be and hereby is authorized to sign Form RF-17 for each Settlement to the State of New York requesting reimbursement for administration costs associated with these settlements; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 330

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING EXTENSION OF CONTRACT WITH TRI-STATE FOR
UNIFORM SERVICE FOR THE DEPARTMENTS OF SOLID WASTE AND
HIGHWAYS AND FACILITIES FOR 2013**

WHEREAS, Resolution 419 of 2011 awarded a contract to Tri-State Industrial Laundries, of Albany, NY for uniform services for the Departments of Highways and Facilities and Solid Waste, effective January 1, 2012 through December 31, 2012, at a cost of \$3.74 per employee per week, with the County option to extend said contract for an additional year; and

RESOLVED, That upon the recommendation of the Purchasing Agent and Committee on Finance, the Chairman of the Board be and hereby is authorized to sign an amendment to the contract with Tri-State Industrial Laundries, of Albany, NY, to extend uniform service for the Departments of Highways and Facilities and Solid Waste, effective January 1, 2013 through December 31, 2013, at a cost of \$3.74 per employee per week; all other terms and conditions in said contract shall remain in full force and effect; and, be it further

RESOLVED, That said contract amendment is contingent upon approval by the County Attorney; and, be it further

RESOLVED, That the cost for said services be a charge against applicable Department accounts; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, Tri-State Industrial Laundries, Budget Director/ County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTUSO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 331

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISTRIBUTION OF REQUEST FOR PROPOSALS FOR LONG DISTANCE TELEPHONE SERVICE FOR FULTON COUNTY DEPARTMENTS (2013)

WHEREAS, the County's contract for long distance telephone service for County departments will expire on December 31, 2012; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to solicit proposals for long distance telephone service for County departments (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 205, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such proposals must be addressed to Jon R. Stead, Purchasing Agent, Room 205, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, September 26, 2012 at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all proposals; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, All Department Heads, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 332

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to dispose of the following County surplus equipment, in accordance with the Fulton County Purchasing and Audit Guidelines:

Highway & Facilities:

Carrier Air Conditioner (1334) (Purchased 1991)
International Series 220 A/C (1337) (Purchased 1991)
GE Air Conditioner (1371) (Purchased 1991)
GE Air Conditioner (1374) (Purchased 1991)
Carrier Air Conditioner (0936) (Purchased 1991)
International Series 220 A/C (5580) (Purchased 1991)
International Series 220 A/C (5582) (Purchased 1991)
International Series 220 A/C (5583) (Purchased 1991)

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities, Solid Waste Director and Purchasing Agent be and hereby are directed to arrange for the disposal of the listed surplus as scrap and/or refuse, to be coordinated with the Solid Waste Department's current bulky metals contract, as necessary; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 333

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From : A-275-1680.100 Information Services-P/R
To : A-015-1010.410 BOS-Advertising
Sum : \$1,675.00

From : A-305.3110.110 Sheriff Dept-OT
To : A-305-3111.100 Special Deputies-P/R
Sum : \$5,000.00

From : DM-825-9550.900 Rd Machinery-Trans/Reserve Fund
To : DM-082-0883.000 Reserve-Rd Machinery Fuel System Repair
Sum : \$2,422.00

From : FX-885-9950.882 Water District-Repair Surcharge
To : FX-082-0878.882 Capital Reserve
Sum : \$3,000.00

and, be it further

RESOLVED, That the 2012 Adopted Budget be amended, as follows:

| | | |
|---|--------------|--------------|
| Decrease A-081-0599.000 Appropriated Fund Balance | | \$150,000.00 |
| Increase A-083-2701.000 Prior Year Revenue | \$150,000.00 | |
| Increase A-083-2085.000 OFA-Pvt Grant | \$ 3,500.00 | |
| Increase A-685-7610.453 OFA-Office Supplies (T-082-0102.000 Meals Prog Endowments) | | \$ 3,500.00 |
| Increase A-083-2626.000 Forfeiture of Crime Proceeds | \$ 3,010.00 | |
| Increase A-355-3197.200 Law Enforcement-Equipment (Digital Recorder) | | \$ 3,010.00 |

and, be it further

Resolution No. 333 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Superintendent of Highways and Facilities, Nursing Home Controller, Office for Aging Director, District Attorney, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)

Resolution No. 334

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF SPECIFIC EXCESS WORKER'S COMPENSATION INSURANCE POLICY FROM SAFETY NATIONAL FOR 2012-2013

WHEREAS, to properly protect against liability risks for the County Worker's Compensation Self-Insurance Plan, the County contracts for "Specific Excess" insurance to cover Plan participants in the event of a catastrophic claim; and

WHEREAS, Benetech, the County's Third Party Administrator, and the Committee on Finance recommend purchasing a policy from Safety National, at an annual premium of \$66,169.00 (subject to audit), effective September 1, 2012 through September 1, 2013; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign a contract with Safety National for the purchase of "Specific Excess" Workers Compensation Insurance, at a premium cost of \$66,169.00 (subject to audit), effective September 1, 2012 through September 1, 2013; and, be it further

RESOLVED, That said policy includes the following limits:

| | |
|------------------------|---|
| Workers Compensation: | \$25,000,000.00 per occurrence |
| Employer's Liability | 1,000,000.00 each accident |
| Self-Insured Retention | 1,000,000.00 per occurrence (employees) |
| | 1,500,000.00 per occurrence (volunteer firefighters and ambulance workers) |

and, be it further

RESOLVED, That said cost be a charge against S-085-1722.414 Work Comp-Excess Insurance; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Workers Compensation Program, Benetech, Inc., Safety National, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Capek)